



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.102

**TA-1580-2022 (O&M)
Date of Decision: 28.02.2025**

DIVYA

....Applicant

Versus

VISHAL RANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sarsh Sharma, Advocate for
Mr. R.S. Mamli, Advocate
for the applicant.

Respondent proceeded against *ex parte*
vide order dated 03.07.2023.

ARCHANA PURI, J. (Oral)

CM-19745-CII-2024

The present application has been filed for placing on record the copy of the petition under Section 13 of the Hindu Marriage Act, as well as the petition under Section 125 Cr.P.C., as Annexures A-4 and A-5.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

Main case

The applicant-wife has filed the present application for seeking transfer of the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1277/2022, titled '*Vishal Rana Vs. Divya*', filed by the respondent-



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husband, pending in the Family Court, Karnal and she seeks transfer of the same to the Court of competent jurisdiction at Yamuna Nagar.

In pursuance of the notice issued, respondent did not make appearance and as such, was proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 21.04.2022, but no child was born from the said wedlock. However, due to the matrimonial discord, the parties are residing separate. The respondent is facing trial relating to FIR bearing No.207 dated 29.11.2022, got lodged by the applicant under Sections 323, 354, 377, 406, 498-A, 504 and 506 IPC, in the Courts at Yamuna Nagar. Besides the same, the applicant has also filed the petition under Section 125 Cr.P.C., as well as the petition under Section 13 of the Hindu Marriage Act, which are also pending in the Courts at Yamuna Nagar. The applicant is dependent upon her parents. In the given circumstances, it is submitted that it is difficult for the applicant to commute a distance of about 80 kilometres, to defend the petition under Section 9 of the Hindu Marriage Act.

In view of the submissions aforesaid, considering the position of law about preference to be given to the convenience of the wife in the transfer applications relating to the matrimonial dispute, more particularly, when the respondent has not come forth to contest the application and also considering the fact about three other cases arising from the matrimonial dispute, to be already pending in the Courts at Yamuna Nagar, the transfer application is allowed and the petition under Section 9 of the Hindu Marriage Act i.e. HMA/1277/2022, titled '*Vishal Rana Vs. Divya*', filed by



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the respondent-husband, stands transferred from the Family Court, Karnal, to the Court of competent jurisdiction at Yamuna Nagar. The requisite record of the aforesaid case be sent by the Family Court, Karnal, to the District and Sessions Judge, Yamuna Nagar.

Learned District and Sessions Judge, Yamuna Nagar, shall assign the said petition to the Family Court, Yamuna Nagar. Even, the parties are directed to appear before the Family Court, Yamuna Nagar, within a period of one month from today onwards.

28.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No